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Fresno, California

August 15, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Absent:	Henry Perea	Acting Council President
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Andy Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Dr. Voss of the Millbrook Presbyterian Church gave the invocation, and Assistant City Manager Ruiz led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER DAGES

The pet of the month available for adoption, an adult female Chihuahua, was presented.

COMMENDATION FOR THE 100TH ANNIVERSARY OF HEALD COLLEGE - COUNCILMEMBER STERLING

Not present when called.

PRESENTATION OF CERTIFICATES OF APPRECIATION - CITY MANAGER'S OFFICE

Appreciation certificates were presented to employees who installed the new City Council voting system.

PRESENTATION BY MAJOR GENERAL RON MARKARIAN, RETIRED, TO ASSISTANT CITY MANGER RUIZ, ON HIS RETIREMENT FROM THE ARMY RESERVE

Presentation made.

APPROVE MINUTES OF JULY 25 AND 31, 2006:

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of July 25 and 31, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER WESTERLUND - (1) Sympathy and get well wishes extended to Police Officer Nieto and his family, with Chief Dyer reporting on Officer Nieto's condition and responding to questions on whether the officer's needs and expenses were being adequately covered; and (2) comments on work with staff on a "rural lifestyle agreement" dealing with annexations and intent to bring something forward in the future.

148-39

8/15/06

COUNCILMEMBER DAGES - (1) Commendation to employees Harold McMurtrey and Stacey Woo for Peach Avenue paving; (2) request staff address landscaping needs on Peach Avenue between Lane and Butler Avenues; (3) request City Attorney report back with necessary document requiring all appointees to the City's boards and commission to reside within the city; (4) request staff contact Caltrans regarding flooding at the southeast corner of Kings Canyon and Clovis Avenue; (5) request for status on information requested on locations of video policing cameras; (6) request for status report on the BMX park at the Mosqueda Community Center; (7) request staff contact FUSD regarding cleaning up long-standing graffiti on their building at 7th and Ventura Streets; (8) request for start date for No Neighborhood Left Behind (NNLB) #62; (9) large amount of development occurring in District 5 and request staff inform contractors of the 7:00 a.m. start time; (10) notice issued to a constituent for trash container in front yard while obviously doing yard work but briefly stepped inside and request staff be asked to make better judgement calls; and (11) questions received from the BIA on the new traffic impact fees and submittal of the questions to the City Manager for staff response.

COUNCILMEMBER BOYAJIAN - (1) Thank you to his staff, Councilmember Sterling's staff, and employees Matt Garza and Jerry Bishop for their work on some building retrofit projects; and (2) commendation to ex-Public Works Director Healey for his work, straight-forwardness, creativity, and assistance to District 1.

COUNCILMEMBER CALHOUN - (1) Thefts of copper wire and impact on the city's irrigation and lighting systems, and need to clarify problem to the public and inform them and the Council of the City's efforts; (2) commendation to parks & recreation staff for the successful, creative Eaton Park Plaza opening event and the Fresno Bee for its coverage.

PRESIDENT DUNCAN - (1) President Duncan stated Officer Nieto was in our prayers and advised he visited Officer Nieto and his family and extended a "THANK YOU" to the community conveyed from Officer Nieto's Mother for the outpouring of support; (2) comments/questions on the southeast Fresno brush fire this past weekend and the number of units that responded, with Chief Bruegman responding; (3) announcement of the opening of the new Roeding Park restrooms on August 18th and 25th (2 - 0); and (4) thank you and commendation extended to ex-Public Work Director Healey and ISD Director Hendricks for their outstanding service with President Duncan stating they will be sorely missed.

COUNCILMEMBER WESTERLUND - Invitation to all to attend event at Roeding Park Playland/Storyland on August 19th sponsored by KMJ and Generation Homes.

COUNCILMEMBERS CALHOUN AND STERLING - Commendation, thank you and best wishes extended to Mr. Hendricks and Mr. Healey with Councilmember Calhoun commenting on how Mr. Hendricks significantly changed the department upon his arrival.

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APPROVE AGENDA:

(10:30 A.M. #1) HEARING TO CONSIDER AMENDING MFS RES. 80-420, ADOPTING A FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR, AND INTRODUCTION OF AN ORDINANCE BILL ESTABLISHING NEW CITYWIDE AND QUADRANT BASED MAJOR STREET IMPACT FEES (CONTINUE TO SEPTEMBER 26, 2006 AT 10:30 A.M.)

Continued has noted.

(10:30 A.M. #2) HEARING TO CONSIDER INCREASE TO THE CURRENT CITYWIDE TRAFFIC SIGNAL IMPACT FEE (CONTINUE TO SEPTEMBER 26, 2006 AT 10:30 A.M.)

Continued as noted.

(1-F) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5283 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. ARMSTRONG AND S. TEMPERANCE AVENUES
1. AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

Removed from the agenda at the request of the developer.

(1-P) BILL FOR INTRODUCTION - TEXT AMENDMENT APPLICATION NO. TA-05-01 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE ZONING ORDINANCE REGARDING DEFINITION AND CLASSIFICATION OF GROUP HOME FACILITIES AND SETTING THE REQUIRED PUBLIC HEARING

148-40

8/15/06

Laid over one week at the request of the City Attorney's office due to additional information to be brought forth. Councilmember Calhoun recommended the matter be set at a time certain next week stating he would pull it from Consent if it is placed there again.

(3:10 P.M.) APPROVE A STATE CENTER COMMUNITY COLLEGE DISTRICT (SCCCD) OFF-CAMPUS WORK STUDY AGREEMENT WITH THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

Removed from the agenda/to be rescheduled.

(10:50 A.M.) HEARING ON REZONE APPLICATION NO. R-05-93 AND ENVIRONMENTAL FINDINGS, FILED BY VALLEY RIVER DEVELOPERS, LLC, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. LOCAN AND E. DAKOTA AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-93/T-5588, FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-1/UGM

Councilmember Westerlund requested the hearing be continued one week so he could meet with the developer.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled 10:50 a.m. Hearing continued to August 22, 2006, at 3:00 p.m., by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
Noes :	None
Absent :	Perea

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
Noes :	None
Absent :	Perea

ADOPT CONSENT CALENDAR:

Councilmember Dages pulled Item **1-C** and Councilmember Boyajian pulled Items **1-E** and **1-I** from the Consent Calendar for discussion/action at 2:00 p.m., and Councilmember Westerlund and President Dages registered a "NO" vote on Item **1-M**.

(1-A) AUTHORIZE THE CHIEF OF POLICE TO RENEW A LEASE AGREEMENT WITH WAYNE H. TOWNE AND FRANCES TOWNE, TO CONTINUE LEASING OFFICE SPACE AT 1330 "L" STREET, SUITE "A", FOR USE BY THE POLICE DEPARTMENT'S INTERNAL AFFAIRS UNIT

(1-B) APPROVE A MULTI-YEAR AGREEMENT WITH THE STATE CENTER COMMUNITY COLLEGE DISTRICT (SCCCD) TO ALLOW THE POLICE DEPARTMENT REVOCABLE RIGHTS TO INSTALL TWO ANTENNAE ON A LIGHT STANDARD AT RATCLIFFE STADIUM, AT THE COST OF THE ELECTRICITY REQUIRED, FOR THE PURPOSE OF ENHANCING INTERAGENCY DATA COMMUNICATION AND EMERGENCY DISPATCH AS PART OF THE DEPARTMENT'S MOBILE WIRELESS DATA COMMUNICATIONS NETWORK

(1-D) APPROVE 3rd AMENDMENT TO THE AGREEMENT WITH CLINE, SMULL, HAMILL, QUINTIERI ASSOCIATES (CSHQA) FOR THE CONSTRUCTION PHASES OF TERMINAL IMPROVEMENTS AT FYI UNDER FAA AIRPORT IMPROVEMENT PROGRAM GRANTS

(1-G) APPROVE FINAL TRACT MAP NOS. 5445 AND 5446, WEST SIDE OF S. CLOVIS AVENUE BETWEEN THE UNION PACIFIC RAILROAD (E. CALIFORNIA AVENUE ALIGNMENT) AND SOUTH OF THE E. CHURCH AVENUE ALIGNMENT

1. RESOLUTION NO. 2006-369 - APPROVING THE FINAL MAP OF TRACT NO. 5445 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS, PUBLIC UTILITIES AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

148-41

8/15/06

2. RESOLUTION NO. 2006-370 - APPROVING THE FINAL MAP OF TRACT NO. 5446 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS, PUBLIC UTILITIES AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

(1-H) APPROVE A DEFERRED COMPENSATION TRUST AGREEMENT WITH FIDELITY INVESTMENTS, ADOPT AMENDMENTS TO THE CITY OF FRESNO DEFERRED COMPENSATION PLAN DOCUMENT TO ALLOW FOR (1) LOAN PROVISIONS TO THE PLAN AND (2) PERMANENT PART-TIME EMPLOYEES TO PARTICIPATE IN THE PLAN, AND AUTHORIZE THE RETIREMENT ADMINISTRATOR TO COMPLETE THE CONTRACT ON BEHALF OF THE CITY

(1-J) APPROVE AGREEMENT WITH CLUB ONE CASINO FOR PARKING SERVICES AT UNDERGROUND PARKING GARAGE NO. 8 AT A FIXED RATE OF \$6,000 PER MONTH FOR 100 PARKING SPACES AND \$1 PER VEHICLE PER DAY FOR ANY OF CLUB ONE PATRON VEHICLES OVER THE 100 SPACES ANY HOUR BETWEEN 6 AM AND 6 PM

(1-K) RESOLUTION NO. 2006-371 - 8TH AMENDMENT TO AAR 2006-253 APPROPRIATING \$87,400 TO THE FIRE DEPARTMENT TO PURCHASE A RAPID RESPONSE VEHICLE TO BE FUNDED WITH CRIPPEN LITIGATION SETTLEMENT RECEIPTS

(1-L) APPROVE AN AMENDMENT TO THE AGREEMENT WITH MBIA MUNISERVICES COMPANY FOR THE STATE ENTERPRISE ZONE APPLICATION

(1-N) BILL NO. B-114 - INTRODUCTION OF BILL AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PROCEDURES REGARDING MASSAGE BUSINESSES

(1-O) BILL NO. B-115 - INTRODUCTION OF BILL AMENDING THE FRESNO MUNICIPAL CODE RELATING TO MONTHLY COMPENSATION CALCULATIONS FOR PUBLIC SAFETY RETIREES AND ADDING A FLOOR OF NOT LESS THAN ZERO FOR THE COST OF LIVING ADJUSTMENT (COLA) FOR TIER 1 RETIREES

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
Noes :	None
Absent :	Perea

(1-M) BILL NO. B-103 - ORDINANCE NO. 2006-112 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE STATUS OF DOMESTIC PARTNERS

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, the above entitled Bill No. B-103 adopted as Ordinance No. 2006-112, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling
Noes :	Westerlund, Duncan
Absent :	Perea

(9:00 A.M.) PUBLIC COMMENT - SCHEDULED COMMUNICATION:

APPEARANCE BY ERIC WARDWELL TO DISCUSS THE NEED TO ENCLOSE TRASH CONTAINERS AND DUMPSTERS

Appearance made with Councilmember Sterling stating her office was working on the issue with staff and it was the intent to bring something back to the community.

(9:15 A.M.) PRESENTATION OF THE CUSTOMER AND EMPLOYEE SATISFACTION SURVEY

148-42

8/15/06

Management Analyst Zieba stated the City contracted with The National Research Center and Goodwin & Simon to conduct three surveys: Business Satisfaction, Residential Satisfaction, and Employee Satisfaction, gave an in-depth PowerPoint presentation on the results of the surveys, and explained what staff has done to address the results, responding throughout the presentation to questions and/or comments of President Duncan and Councilmembers Westerlund and Calhoun.

Councilmember Boyajian stated he did not appreciate not receiving the surveys to review stating there was a lot of information he wanted to see, stated he felt this was a "sugar coated" presentation on what City was and was not doing, spoke to the poor employee morale and noted nothing was included on morale and elaborated, and spoke to some of the categories and results and stated he wanted to see the surveys, especially Employee Satisfaction. President Duncan advised he sent an email to the City Manager requesting Council be provided with copies of the full survey and this presentation was what Council got (*and later clarified the presentation/information was extremely valuable, he did not mean to imply the presentation was not appreciated, and thanked Ms. Zieba). Councilmember Westerlund requested this presentation be emailed to him along with the hard copies, stated the statistics were very sobering and questioned if there was anything that was agreed upon, with Ms. Zieba responding, and stated he also had a growing concern for employee morale and customer satisfaction. Councilmember Calhoun commended staff for conducting the surveys stating a lot of large organizations should but don't, noted he's worked in a number of organizations and stated there will never, ever be an organization with 100% employee satisfaction as it was in the nature of human beings to want more and elaborated, and stated he did have general concerns about the business survey and explained. Councilmember Boyajian clarified he did feel there were some good things about the survey. President Duncan *clarified this presentation/information was valuable, stated providing the back up information/details of the survey will also be very helpful, complemented City Manager Souza for doing this stating these were great benchmarks and guidelines in terms of measuring how well the City is doing and how it can improve, and requested next year this be done in a more timely manner. City Manager Souza stated staff was still learning this process including how not to get overwhelmed with the volume of data and how to determine what is meaningful/what should be focused upon, advised this time cabinets and departments were actively engaged to arrive at solutions and action plans on how to resolve issues, advised it was staff's intent to present the survey next year in May, spoke to the importance of these surveys and thanked Ms. Zieba, Assistant City Managers Rudd and Ruiz, and Craig Agabashian for all the effort put into this, and stated the surveys would be submitted to Council. There was no further discussion.

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RECESS - 10:30 A.M. - 10:37 A.M.

(10:30 A.M. #3) WORKSHOP AND DIRECTION TO STAFF ON THE PROPOSED NEW CITYWIDE AND QUADRANT-BASED MAJOR STREET IMPACT FEES

Interim Public Works Director Ruiz clarified it was staff's intent after this workshop to go back out and spend time in the development community with developers and/or a working group to go through more details on the study and then return to Council with the formal hearing and specific recommendations, and displayed information on the overhead and spoke to challenges and what the increased fee will buy.

Consultant Bob Spencer of Muni Financial reviewed the Traffic Impact Fee Study report as submitted.

Speaking to the issue and expressing concerns with the proposed fees, the impact to tenants/buyers, the quadrant process, and the calculations, and/or speaking to the need for additional meetings, additional review/research, and for the development community to be involved and work with staff, and/or offering to work with staff to find a solution were: Mike Prandini, Building Industry Association; Lou Ginise; Dirk Poeschel, 923 Van Ness; Bryan Thompson, business owner of 2880 N. Larkin and property owner of 3661 W. Shields; John Stewart, Pearson Companies **(4 - 0)**; Richard Fairbank, 5 River Park Place West; Leland Parnagian; John Brelsford, Diversified Development Group; Donald Sims, Sims Development Co.; and Mike Wilhelm, McCormick & Barstow.

Councilmember Calhoun spoke to the background of the issue and to the importance of capturing the new fees on all the new development that continues to take place stating the actual fee amounts could be determined later, and stated requirements had been met and questioned if Council could request staff this date to return with a resolution of intention to start the process to capture fees on vesting maps, with City Attorney Sanchez, Interim Chief Assistant City Attorney Hale and Assistant Public Works Director Kim responding to questions and clarifying issues.

Councilmember Calhoun made a motion to direct staff to return with a Resolution of Intention to adopt the new impact fees to start the process of capturing the new fees on vesting maps.

148-43

8/15/06

Extensive Council discussion ensued. Councilmember Dages expressed concern with the proposed fees; stated he was opposed to charging the fees to existing projects already in progress such as Fancher Creek and the Shaw/99 projects; clarified he was not opposed to increasing/phasing in the fees over a period of time; stressed developments in the southwest and southeast areas would be penalized and the city of Fresno would dry up once these fees are imposed; and stated he would not support the fees or the motion on the floor and added additional discussion and workshops were needed to work something out. Councilmember Sterling thanked those in attendance, those who contacted her to convey their concerns, and those who provided insight so she could address this issue; thanked staff for following Council direction and putting this together but clarified she asked to be included at the start as the fees would have the most dramatic impact on the southwest quadrant and stated it was obvious she and her concerns were not considered valid as she was not included; stated she would go the additional mile or two to get the kind of respect southwest Fresno deserved; stated the general impact of this would hurt the southwest and southeast areas which contained Fresno's most needy and added the "Tale of Two Cities" was alive and well and elaborated **(5 - 0)**; and urged the community be included as promised and that as much time as necessary be taken stating it had taken 13 years to get to this point and this was not going to be resolved in six months and further elaborated. Councilmember Boyajian presented questions, comments and concerns relative to why inner-city/in-fill projects should have to contribute to major streets in the northeast or northwest, the general plan not stipulating impact costs stating that was why he did not support it, major streets causing more growth, and grappling with the problems of affordable housing and unemployment, with Mr. Spencer responding to questions.

Councilmember Calhoun stated he wanted his direction motion addressed, with Mr. Sanchez adding Council support was needed for staff to respond to it. Upon question, Councilmembers Boyajian and Calhoun stated their support for the direction and Councilmembers Dages, Sterling, Westerlund and President Duncan stated they could not support it at this time.

Discussion continued. Councilmember Westerlund clarified this was a start and not a solution, and along with President Duncan and Councilmember Boyajian presented questions and/or comments relative to Mr. Spencer's background, his experience in these types of matters, the financing plan, calculations, traffic model, growth scenarios, how county islands were addressed, collapsing quadrants, treating industrial differently **(6 - 0)**, fee comparisons, regional fees, need to engage stakeholders and return with options, this matter originally being scheduled for action and converted to a workshop, how the Mayor felt about the huge increase in southwest fees, if it was the Administration's position that adoption of these fees would not impact southwest development, if staff engaged in discussions with all stakeholders, disappointment with the fees proposed for the southwest quadrant, if there were bridges and railroad crossings in the northeast, need for staff to start over and do this right, disappointment that Council's unanimous vote on 12/7/04, directing staff to develop an infrastructure plan to accomplish the 2025 general plan and convene an infrastructure summit to finalize the plan was not carried out as it might have flushed out a lot of issues, lack of action from past administrations, there being other options to finance infrastructure which were not presented, the closeness of a vote being indicative of a problem that needs to be fixed, development being subsidized for 30 years and concern that inner-city fees can not be mitigated, and need to provide options for affordable housing and industrial development. Mr. Spencer, Mr. Kirn, Mr. Ruiz and Mr. Sanchez responded throughout. President Duncan requested staff look at this in a more comprehensive manner and there was no further discussion.

LUNCH RECESS - 1:04 P.M. - 2:06 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-E) AWARD MULTI-PRIME CONTRACTS RELATED TO THE REHABILITATION OF THE SAROYAN THEATER

1. AWARD A CONTRACT TO DAVIS MORENO CONSTRUCTION, INC., FOR \$763,982 FOR BID PACKAGE NO. 1, DEMOLITION/CONCRETE/SPECIALITIES/FINISHES
2. AWARD A CONTRACT TO TARLTON AND SON, INC., FOR \$187,500 FOR BID PACKAGE NO. 2, METAL STUD FRAMING/PLASTER/DRYWALL
3. AWARD A CONTRACT TO NOLTE SHEET METAL, INC., FOR \$38,500 FOR BID PACKAGE NO. 7, HVAC
4. AWARD A CONTRACT TO VALLEY UNIQUE ELECTRIC, INC., FOR \$204,935 FOR BID PACKAGE NO. 8, ELECTRICAL WORK

Assistant Public Utilities Director Andersen responded to questions of Councilmember Boyajian relative to why only one proposal was received on three of the four items, the prices being above budget and if there was a limit on how high prices could go, if higher prices would be received if the project were to be rebid, and the scope of work.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled contracts hereby awarded as recommended, by the following vote:

148-44

8/15/06

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(1-C) ADOPT A SIDE LETTER AGREEMENT BETWEEN THE CITY AND INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 39 BLUE COLLAR UNIT (UNIT 1) CALLING FOR THE HIRE OF CERTAIN PARKS MAINTENANCE WORKER 1 POSITIONS

Councilmember Dages advised when the 10 positions were discussed during budget he thought it meant 10 new people and not 10 people moved from point A to point B, and presented questions on the funding budgeted for the temporary employees, if the 10 permanent positions were already covered economically in the budget, and if it was never the intent to acquire 10 additional positions on top of the 10 temporary ones, with PR&CS Director Cooper and City Manager Souza responding and clarifying issues. Councilmember Dages requested staff make this more clear in the future.

A motion and second was made to approve staff's recommendation. President Duncan and Councilmember Sterling commended staff, Mr. Souza and Mayor Autry for doing this stating it was long overdue, there were many hard working part-time employees and making them full-time with benefits would provide for a better life, and this was a good move and would build morale.

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, the above entitled Side Letter Agreement hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Sterling, Westerlund, Duncan
 Noes : Dages
 Absent : Perea

(1-I) APPROVE AN AMENDMENT TO THE AGREEMENT WITH MOORE, IACOFANO, GOLTSMAN, INC. (MIG) AT A COST OF \$48,000 FOR EXPEDITING THE PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE VICTORIA WEST PARK EXPANSION

Interim Design Services Manager Krauter and Assistant PR&CS Director Haynes responded to questions of Councilmember Boyajian relative to why this project had been delayed so much, if granting agencies reviewed how the grant funds are used, if there was a chance the grant funds could be lost with delays, funding source for the \$48,000, and if the department had staff who monitors grants. Councilmember Boyajian stated the park was a large amenity for the area, he was concerned about losing funds, and thanked staff for getting this done.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled amendment to the agreement with Moore, Iacofano, Goltsman, Inc., hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(2-A) REQUEST STAFF TO DEVELOP AN UPDATED TEAM CLEAN AIR PLAN TO INCLUDE ADDITIONAL STRATEGIES FOR FURTHER REDUCING THE CITY'S EMISSIONS AND AIR POLLUTANTS BY AN ADDITIONAL 5% OVER THE NEXT THREE YEARS - COUNCILMEMBER CALHOUN

Councilmember Calhoun spoke to and acknowledged staff's Team Clean Air report and efforts over the last three years to reduce air pollutants, all as contained in his report to Council as submitted, noted Council just recently approved a Resolution proclaiming its endorsement of the U.S. Mayor's Climate Protection Agreement, stated his intent this date was to ask staff to bring back a new 3-year plan

in December to reduce air pollutants by 5% if doable, and responded to questions of Councilmember Sterling relative to whether he wanted a continuation of staff efforts or if he wanted staff to do better. A motion and second was made to direct staff to report back with a plan in December 2006. Councilmember Boyajian stated he hoped staff will look at air pollution caused by urban sprawl.

148-45

8/15/06

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, staff requested to develop an updated Team Clean Air Plan to include additional strategies for further reducing the city's emissions and air pollutants by an additional 5% over the next three years and bring the plan back in December, 2006, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(2-B) DIRECT THE CITY ATTORNEY TO RETURN ON AUGUST 22ND WITH AN AMENDMENT TO THE SALARY RESOLUTION ESTABLISHING A CITY POLICY THAT PROHIBITS REDUCTIONS OF BASE SALARY WHETHER PART OF A PERFORMANCE PAY PLAN OR OTHERWISE. THE PROHIBITION WILL COVER ALL CURRENT AND FUTURE EMPLOYMENT AGREEMENTS, CONTRACTS, PROVISIONS OR CLAUSES - PRESIDENT DUNCAN

President Duncan spoke briefly to the background of the issue, stated it was unfortunate he had to put this matter back on the agenda but did so as the Administration changed the plan a bit and reinstated it, and noted a Council policy was passed on a 7-0 vote but it was ignored.

(7 - 0) City Manager Souza stated to imply this was less than voluntary was disingenuous and explained, stated he thought Council's reason for the policy was due to Fair Labor Standards Act (FLSA) exposure, clarified what the Administration brought back was simply a codification of the City Manager's authority to prospectively reduce salaries based on performance and added it provided a balance for the reward side and explained, and stated this issue had been discussed thoroughly with the City Attorney's office to ensure there was no violation the resolution or non-compliance with any labor law.

Councilmember Calhoun stated he supported President Duncan's direction, advised he has been in the public sector all his life and never heard of pay take-aways, and stated he was willing to have the City Attorney research and bring something back and added if what comes back disagrees with the direction he would be interested in discussing that at that time. Councilmember Boyajian stated the prior direction was as clear as it could get and questioned what was at issue here and if the City Manager had the inherent power to do something like this, with City Attorney Sanchez responding and clarifying the new plan was no longer suspect under FLSA as it did not impact existing base salaries but asked for department directors to agree to have future salary adjustments. Councilmember Boyajian stated this was a technicality, Council took a clear position, and he looked at this and employee satisfaction in the same position. Councilmember Westerlund questioned whether this issue was part of an employee group's negotiating contract and if they tried to negotiate it out, with Mr. Souza responding. Councilmember Westerlund stated he agreed with Council comments, also stated Council's past direction was clear and added this plan was not appropriate in this venue, and stated he appreciated incentives, not take-aways.

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the City Attorney directed to return on August 22nd with an amendment to the Salary Resolution establishing a City policy prohibiting reductions of base salary whether part of a performance pay plan or otherwise, with the prohibition to cover all current and future employment agreements, contracts, provisions or clauses, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(10:00 A.M.) CONCURRENT HEARING FOR COMMUNITY FACILITIES DISTRICT NO. 2 ANNEXATIONS

President Duncan announced the time had arrived to consider the issue and opened the hearing, advised these CFD annexations

were being approached in a different manner in an attempt to save time, introduced the three annexations and advised separate actions would be taken on each, and upon his question Chief Engineering Technician Witzel stated the staff reports as submitted on all three annexations were complete and there was no new information to add

(#1) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 128, TRACT NO. 5287

1. RESOLUTION NO. 2006-372 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2006-373 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2006-374 - DECLARING ELECTION RESULTS

148-46

8/15/06

4. BILL NO. B-116 - ORDINANCE NO. 2006-113 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-07 AND FUTURE TAX YEARS

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-372, 2006-373 and 2006-374 hereby adopted, the above entitled Bill No. B-116 adopted as Ordinance No. 2006-113, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
Noes :	None
Absent :	Perea

(#2) HEARING ON CFD NO. 2, ANNEXATION NO. 129, TRACT NO. 5294

1. RESOLUTION NO. 2006-375 - DIRECTING PREPARATION OF A MODIFIED REPORT ANALYZING IMPACT OF PROPOSED INCREASE IN PROBABLE SPECIAL TAX FOR PROPOSED MODIFICATION TO R.I. 2006-239 (TO ANNEX THE TRACT AS ANNEXATION NO. 129 AND AUTHORIZE LEVY OF A SPECIAL TAX)

2. RESOLUTION NO. 2006-376 - RECEIVING AND APPROVING THE MODIFIED ENGINEER'S REPORT AND MODIFYING R.I. NO. 2006-239

3. RESOLUTION NO. 2006-377 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

4. RESOLUTION NO. 2006-378 - CALLING A SPECIAL MAILED-BALLOT ELECTION

5. RESOLUTION NO. 2006-379 - DECLARING ELECTION RESULTS

6. BILL NO. B-117 - ORDINANCE NO. 2006-114 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS

Upon call, no one wished to be heard and President Duncan closed the public hearing.

A motion and second to approve staff's recommendation was made and acted upon after brief questions of Councilmember Westerlund on reason for the assessment increasing from \$386 to \$455, with Mr. Witzel responding.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-375, 2006-376, 2006-377, 2006-378 and 2006-379 hereby adopted, and the above entitled Bill No. B-117 adopted as Ordinance No. 2006-114, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Duncan
Noes :	Westerlund
Absent :	Perea

(#3) HEARING ON CFD NO. 2, ANNEXATION NO. 117, TRACT NO. 5229

1. RESOLUTION NO. 2006-380 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2006-381 - CALLING A SPECIAL MAILED BALLOT ELECTION

3. RESOLUTION NO. 2006-382 - DECLARING ELECTION RESULTS

4. BILL NO. B-118 - ORDINANCE NO. 2006-115 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-380, 2006-381 and 2006-382 hereby adopted, the above entitled Bill No. B-118 adopted as Ordinance No. 2006-115, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

148-47

8/15/06

(10:05 A.M.) HEARING ON THE VACATION OF INYO AVENUE, THE BALCH-INYO ALLEY, AND THE INYO-MONO ALLEY, ALL BETWEEN CHESTNUT AND GARDEN AVENUES

1. RESOLUTION NO. 2006-383 - ORDERING THE VACATION

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Supervising Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Upon question of Councilmember Dages, Mr. Polsgrove stated Fresno Unified was not paying for the vacation nor compensating the City.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-383 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(10:15 A.M.) CONTINUED HEARING TO CONSIDER INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

1. RESOLUTION NO. 2006-384 - CONFIRMING THE DIAGRAM AND ASSESSMENT AND LEVY OF AN ANNUAL ASSESSMENT

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Senior Engineering Technician Paff gave an overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Mr. Paff and City Attorney Sanchez responded to questions of Councilmember Boyajian relative to the map of district areas, if there had been no assessment increase since the district was formed in 1983, if there were any plans to increase the assessment due to increased costs for services, if there was a chance for an increase in the future, and time frame to complete the nexus study needed to try to increase the assessment. Councilmember Calhoun stated there were a lot of areas in his district that were not getting the attention needed due to the lack of funds, spoke to the importance of informing people that they have to pay appropriate amounts/their fair share, and stated he wanted to see the study completed and the results and added he did not want any foot-dragging. President Duncan stated he agreed completely with comments made and questioned why only 25% of people in the district were being included in the study and not 100%, if this fell under the guidelines of Proposition 218, and how the best 25% would be determined, with Mr. Paff, Mr. Sanchez and City Manager Souza responding. President Duncan stated he felt the people should be told the truth that if they so choose they will be provided with improved maintenance, expressed concern that only 25% would be cherry-picked and the City will still be overwhelmed with complaints on the lack of service, and stated he was disappointed with the approach and felt the City was not being honest and fair to the citizens who pay a lot of taxes for services as not all were being included in the study.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-384 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(10:45 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-05-13, REZONE APPLICATION NO. R-05-79 , AND ENVIRONMENTAL FINDINGS, FILED BY CEI ENGINEERING ASSOCIATES ON BEHALF OF OWNERS ROBERT AND HA DO, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. KEARNEY BOULEVARD AND S. CRYSTAL AVENUE - 1705 W. KEARNEY BOULEVARD

148-48

8/15/06

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-13/R-05-79
2. RESOLUTION - AMENDING THE GENERAL PLAN AND EDISON COMMUNITY PLAN
3. BILL - AMENDING THE FRESNO-CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN
4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-A/UGM/cz TO R-1/UGM/cz

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Fabino stated the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Sterling stated she still did not know what the tract looked like and she had a lot of concerns relative to elevation and lot sizes, with Mr. Fabino responding and clarifying the applicant had not yet presented a map accepted by the City for processing. Councilmember Sterling reiterated she had a lot of concerns and wanted the hearing continued so she and staff could meet with the applicant.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled 10:45 a.m. Hearing continued to August 22, 2006, at 3:30 p.m., by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : None
 Absent : Perea

(11:00 A.M.) HEARING ON REZONE APPLICATION NO. R-05-90 AND ENVIRONMENTAL FINDINGS FILED BY QUAD KNOPF, INC., ON BEHALF OF DONALD C. AND SUE F. PARKER AND SUBDIVIDER MCKINLEY V VENTURES LLC, EAST SIDE OF N. HAYES BETWEEN W. MCKINLEY AND W. OLIVE AVENUES (1620 - 1638 N. HAYES AVENUE)

1. CONSIDER AND ADOPT E.A. NO. R-05-90/T-5591, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. **BILL NO. B-119 - ORDINANCE NO. 2006-116** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1/UGM

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Brock stated the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Ms. Brock responded to questions and/or comments of Councilmembers Boyajian and Westerlund relative to why asphalt paths were being installed instead of sidewalks, what fees the developer would be paying, if bus service was being extended to the area, the bad air quality and why there was no requirement for alternative transportation, desire to see a City/County agreement for area infrastructure, what the general plan density designation was, what the average lot size was, and the West Area policy on smaller lots.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled environmental finding dated June 1, 2006, hereby approved, and the above entitled Bill No. B-119 adopted as Ordinance No. 2006-116, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : Boyajian
 Absent : Perea

(2:40 P.M.) HEARING ON REZONE APPLICATION NO. R-06-17 AND ENVIRONMENTAL FINDINGS, FILED BY PROVOST & PRITCHARD ENGINEERING GROUP ON BEHALF OF DUNMORE COMMUNITIES, PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. NORTH AND S. WALNUT AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-17/T-5663/C-06-61, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-120 - ORDINANCE NO. 2006-117 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM TO R-1/UGM

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Fabino stated the staff report as submitted was complete and there was no new information to add.

148-49

8/15/06

Upon call, no one wished to be heard and President Duncan closed the hearing.

A motion and second was made to approve staff's recommendation.

Mr. Fabino responded to questions and/or comments of Councilmembers Westerlund and Boyajian relative to the smaller lot sizes, what the basis was for the 5,000 square foot lots, if anything was done differently to project for 5,000 versus 6,000 square foot lots, the traffic impact study, number of homes in the subdivision and concern with the finding of no environmental effect, impacts being unknown as no EIR was conducted for the area **(8 - 0)**, and opposition to project due to lack of an area EIR, the unknown impacts, and no alternative transportation. Councilmember Boyajian clarified he was glad someone was developing in this area but stated this was going to bring on the same kind of problems as other areas.

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, **RESOLVED**, the above entitled environmental finding dated June 1, 2006, hereby approved, and the above entitled Bill No. B-120 adopted as Ordinance No. 2006-117, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Duncan
 Noes : Boyajian
 Absent : Perea

(3:20 P.M.) PRESENTATION BY A ROTARY CLUB REPRESENTATIVE TO REQUEST THE CITY PROVIDE THE INSURANCE PAYMENT FOR STORYLAND/PLAYLAND AT ROEDING PARK

1. DISCUSSION AND POSSIBLE ACTION RELATING TO THE SOURCE OF FUNDING TO PAY THE INSURANCE

Councilmember Dages advised he was contacted a while back about Storyland/Playland being in need of some help this year, and noted the City has provided assistance the past two years and he scheduled this matter to see if there was something Council could do.

Barry Falke, Executive Director of Rotary Storyland/Playland (SL/PL), spoke to the history of facilities, the financial contributions poured back into the community and reinvested back into the park, revenues, challenges and current struggles, the major cost of insurance, the excitement/feeling for a bright future which includes a Master Plan, new partnership with the Zoo, and a potential capital campaign for renovation and expansion of SL/PL, and requested the City's assistance once again to help them again make Roeding Park a destination.

Peter Zieler stated significant changes had occurred over the last couple of months and spoke further to the organized master planning process that the Zoo was conducting and had invited SL/PL to the table.

Mr. Zieler and Mr. Falke responded at length to questions and comments of Councilmember Boyajian relative to why SL/PL was not included the Zoo's Measure Z campaign, why the City Administration has not been approached in the past during budget for assistance, the business plan that was requested last year, safety and infrastructure needs going hand in hand, SL/PL being a real positive asset for the community, improvements/updating being needed, and need for SL/PL to lobby and partner with the City and Fresno County.

Councilmember Dages noted this issue was discussed at the last meeting and upon his question City Manager Souza stated staff had identified resources if that is the decision Council makes, clarified this was the third year this request has been made, the past two years the Mayor expressed concern about wanting more than just a band-aid but a band-aid is what the City got, and there would be a high threshold of what the City will expect and get before the Mayor embraces this.

A motion and second was made to allocate \$75,000 for SL/PL insurance from sources identified by the City Manager (*with Mr. Souza later clarifying staff would return with an amendment to the AAR on August 29th).

Mr. Falke, HRH Insurance Agent Gibbs, and Mr. Souza responded at length to questions and comments of Councilmember Sterling relative to what exactly was owed and how it was being paid, what specifically the City was being asked to pay for, how the annual operating budget is funded, if the budget has been made available to Council, who funds the capital improvements, who inspects the rides, status of the ride involved in the accident this past weekend, if other incidents/accidents have occurred, outcome of the accident, if the incident will cause insurance to increase, how often insurance companies are changed, if this will be the last request for assistance, need for an outline on SL/PL's budget to be submitted to the City, and need for a meeting between City and SL/PL officials to discuss sustainment, what is needed, and how and if the City can assist.

148-50

8/15/06

Mr. Souza clarified he was asked to identify a funding source which he did but he was not recommending funding at this time, *clarified staff would be bringing back a report and an amendment to the AAR for the \$75,000 which would require five votes, advised it was his expectation that staff would see SL/PL's financials for this year and the past two years and their operating budget and stated before making a recommendation to Council or the Mayor he would need some questions answered adding there had been no opportunity to do that yet, and asked if the motion-makers would agree to staff returning on August 29th to allow the time needed for staff to meet with SL/PL officials and get questions answered/resolved and added it weighed heavily that each of the last two years was "the last time".

Councilmember Calhoun stated he was going to be the hard guy as this was a broken record (**9 - 0**), spoke to the budget process that should have been followed and how not everyone gets what they want, stated to provide the funding requested would be unfair to those agencies that did not get funded, and stated this was the wrong way to operate, the process was not followed, and there were too many "ifs" and elaborated further, and referencing Councilmember Sterling's comments added SL/PL belonged to everyone and it was not just a District 3 project.

Mr. Gibbs, Mr. Falke, Mr. Zieler and President Duncan responded to questions of Councilmember Westerlund relative to the annual premiums, if past claims all fell under the deductible, expenses paid with borrowed funds, the operating budget, how a capital improvement campaign will help the operating budget, attendance figures and number of additional visitors needed to generate \$75,000, and if the City looked into placing SL/PL under the City's insurance. Councilmember Westerlund stated he would support this request again even though he stated last year he would not as he felt tearing down the bathroom facilities was a mistake and had an impact and contributed to decreased attendance.

President Duncan stated he felt very let down and disappointed and was hearing a broken record, noted the past request was supported because a plan was to be submitted to the Administration on how the problem would be resolved which did not happen, and presented questions relative to what staff envisioned the master plan would be, what benefits would be accomplished for SL/PL, and time line for the master plan to take effect on attendees, with PR&CS Director Cooper responding. President Duncan stated he would reluctantly support the request, stressed a business plan was as important as a master plan and explained, added he was starting to get a sense that the City was being taken for granted as there was no previous dialog, stated he very much appreciated Councilmember Dages putting this on the agenda as he had childhood memories just like everyone else but stated the City can not keep continuing to support SL/PL at all costs and added it just may be time for it to go away, strongly suggested SL/PL cover their business plan and insurance plan for next year way before the season starts in May, 2007, particularly if the City's support is desired, and stated he would support this due to the deplorable restroom situation and explained, but stated next year would be different.

On motion of Councilmember Dages, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff to return on August 29, 2006, with an amendment to the AAR appropriating \$75,000 for Storyland/Playland insurance, along with the accompanying report and recommendation, by the following vote:

Ayes :	Boyajian, Dages, Sterling, Westerlund, Duncan
Noes :	Calhoun
Absent :	Perea

(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-06-22 AND ENVIRONMENTAL FINDINGS, FILED BY SPENCER ENTERPRISES, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. BROWNING AND N. SALINAS AVENUES
1. CONSIDER AND ADOPT E.A. NO. R-06-22/C-06-36/T-5589, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-121 - ORDINANCE NO. 2006-118 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM TO R-1/UGM

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question a planning and development staff member staff stated the staff report as submitted was complete and there was no new information to add.

Dana Smith, Spencer Enterprises, 4974 E. Clinton, stated he was present to answer any questions and spoke briefly to their work with neighbors.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

148-51

8/15/06

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled environmental finding dated June 8, 2006, hereby approved, and the above entitled Bill No. B-121 adopted as Ordinance No. 2006-118, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Duncan
Noes : Boyajian
Absent : Perea

(3:00 P.M.) APPROVE TWO (2) CONTRACTS WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE FUNDS FOR PARKS, RECREATION AND COMMUNITY SERVICES (PR&CS) TO CONDUCT AN AFTER SCHOOL RECREATION PILOT PROGRAM RUNNING THROUGH JUNE 30, 2007
1. RESOLUTION NO. 2006-385 - 3RD AMENDMENT TO AAR APPROPRIATING \$123,400 FROM FUSD TO CONDUCT THE PROGRAM

PR&CS Director Cooper gave an overview of the issue, all as contained in the staff report as submitted, and clarified the department would be providing nutrition, fitness, and wellness and would not be providing any education.

Kathy Omachi, 759 F Street, Reedley, FUN Board Secretary, spoke in support.

Councilmember Calhoun stated this was an outstanding model and it clarified the roles of all parties, stated there were a number of wonderful components and added this would make for a better community, and requested staff convey to Fresno Unified that this was a good model and a move in the right direction and made a motion to approve staff's recommendation.

Upon question of Councilmember Westerlund, Mr. Cooper advised support for this program went as high as Superintendent Hansen. Councilmember Westerlund spoke briefly to his meeting with Board Trustees and suggested for a joint meeting be held between the Council and the Trustees to discuss a number of issues including the after-school programs. President Duncan expressed his support and also commended staff.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled agreements with the Fresno Unified School District hereby approved and the PR&CS Director authorized to execute the agreements on behalf of the City, and the above entitled Resolution No. 20006-385 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Westerlund, Duncan
Noes : None
Absent : Perea

(3:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 4:55 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JULY 18, 2006

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of July 18, 2006, approved as submitted.

("A") APPROVE DOCUMENTS RELATING TO THE SAN JOAQUIN VALLEY RAILROAD (SJVRR)

1. JOINT RESOLUTION NO. 2006-386/1683 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND APPROVING AN AGREEMENT WITH THE SJVRR TO CONSTRUCT IMPROVEMENTS TO AT-GRADE CROSSINGS AT CEDAR, MAPLE, CHESTNUT AND SHIELDS AVENUES FOR THE AIRPORT AREA REDEVELOPMENT PROJECT

2. APPROVE PAYMENT OF \$258,802 TO THE SJVRR FOR THE CONSTRUCTION OF IMPROVEMENTS (JOINT ACTION)

3. ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. 2006-02 WHICH MAKES THE FINDING OF A CLASS 1 CATEGORICAL EXEMPTION UNDER CEQA (JOINT ACTION)

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

148-52**8/15/06**

Councilmember Westerlund commended RDA staff for their work on this issue, stated the improvements were badly needed and explained, advised concrete planking was being looked at versus wood planking as it lasted longer, and made a motion to approve staff's recommendation.

Councilmember Calhoun acknowledged railroad crossings were a problem and stated the question was funding to fix them, stated the tracks within the Airport Redevelopment Area probably fit the requirement for funding, stated he had a concern that the railroad was basically getting a pass and added the \$15,000 of in-kind labor was nonsense and questioned why they were not contributing to the improvements and why staff was not telling them they owed more, **(10 - 0)** spoke to the issue of consistency/ inconsistency with projects the Agency funds and explained, and stated he could not support this project as he felt redevelopment projects should not go beyond redevelopment areas, with City Attorney Sanchez and Ms. Murphey responding throughout to questions.

President Duncan stated this was not without precedent noting something similar and much needed was done in District 5, stated the health and safety issues were very real, and spoke briefly to the City's working relationship with the railroads and commended all involved in this project stating it usually takes multiple years to get work done.

Councilmember Boyajian questioned if staff has any kind of dialog with the railroad noting the City has major issues with them such as safety and quiet zones (with Assistant Public Works Director Kirn responding), and stated he hoped talks and work would go beyond maintenance to the major issues. Chair Sterling noted there had been meetings and discussions with the railroad about a year and a half ago on needed improvements but nothing ever got done and thanked RDA staff for this project and added the "G" and "H" crossings on Tulare were in desperate need of improvements.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the above entitled Joint Resolution No. 2006-386/1683 hereby adopted, the Executive Director authorized to execute an agreement with the San Joaquin Railroad, the payment of up to \$258,802 hereby approved, and the above entitled E.A. hereby adopted, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Westerlund, Sterling
Noes :	Calhoun
Absent :	Perea

("B") DIRECT STAFF TO NEGOTIATE A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE AGENCY AND E.I.E. ALPHA, LLC, FOR A MIXED-USE DEVELOPMENT PROJECT AT 903 "H" STREET IN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

Executive Director Murphey have an in-depth overview of the issue and project, all as contained in the staff report as submitted, and stated if direction is given the draft agreement would be brought back in 90-120 days.

Speaking to the issue were: Steve Geil, project developer, who elaborated further on the project and submitted photos of the building's interior; and Gloria Torrez who expressed concerns relative to eminent domain and funding coming from FAX, and stated she wanted to see fine dining and something new, creative and constructive downtown.

Referencing comments made, Chair Sterling clarified this was the existing old Cherta building, stated the project would do wonders for downtown and she was looking forward to it, and made a motion to approve staff's recommendation.

Councilmember Boyajian commended Mr. Geil stating people like him and projects like this were what was envisioned with the stadium project, stated downtown would become a destination place and there would be foot traffic due to people like Mr. Geil, and presented questions relative to the project's time frame, if a tenant was secured for the restaurant, if the majority of the building would be for office space, and parking, with Mr. Geil responding throughout.

President Duncan commended Mr. Geil and conveyed a big "THANK YOU" for his willingness to invest downtown and stated this was an indication that the private sector was coming downtown.

On motion of Chair Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, Agency staff directed to negotiate and bring back to the Agency Board and City Council for approval a DDA with E.I.E. Alpha, LLC, for disposition of the property at 903 "H" Street and development of a mixed-use project, by the following vote:

148-53

8/15/06

Ayes : Boyajian, Calhoun, Dages, Duncan, Westerlund, Sterling
Noes : None
Absent : Perea

(2:00 P.M. #2) **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

("A") ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: MIRIAM ARELLANO V. COF, ET AL.

("B") EXISTING LITIGATION - CASE NAME: COUNTY OF FRESNO V. COF ET AL. (CONSOLIDATED CLAIMS)

("C") DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: OLD HAMMER FIELD/FRESNO AIR TERMINAL (ENVIRONMENTAL SITE, COF V. U.S. ARMY CORPS OF ENGINEERS, NATIONAL GUARD AND THE BOEING COMPANY

The City Council met in closed session in Room 2125 at the hour of 5:40 p.m. to consider the above matters and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:18 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the 22nd day of August, 2006.

_____/s/_____
ATTEST:_____/s/_____

Jerry Duncan, Council President

Yolanda Salazar, Assistant City Clerk

148-54

8/15/06